

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

FEDEX FREIGHT, INC.

Employer

and

Case 04-RC-133959

INTERNATIONAL BROTHERHOOD  
OF TEAMSTERS LOCAL 107

Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election is denied as it raises no substantial issues warranting review.<sup>1</sup>

MARK GASTON PEARCE,

CHAIRMAN

HARRY I. JOHNSON, III,

MEMBER

NANCY SCHIFFER,

MEMBER

Dated, Washington, D.C., October 8, 2014

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<sup>1</sup> Member Johnson finds the petitioned-for unit appropriate under the Board's traditional community of interest analysis in similar driver cases. See, e.g., *Home Depot USA, Inc.*, 331 NLRB 1289, 1291 (2000) (3-0 decision of Chairman Truesdale and Members Fox and Brame, finding appropriate separate unit of drivers). The Employer contends that drivers here perform a substantial amount of dockwork, requiring the inclusion of dockworkers in the unit. Assuming that the Employer is correct that drivers spend 15% of their time in non-driving work, this figure is still below the 30-40% figure in *Home Depot*. Id. at 1290. Accordingly, Member Johnson finds no need to express a view whether the Board correctly decided *Specialty Healthcare and Rehabilitation Center of Mobile*, 357 NLRB No. 83 (2011), enfd. sub nom. *Kindred Nursing Centers East, LLC v. NLRB*, 727 F.3d 552 (6th Cir. 2013), and whether the Regional Director correctly applied it here.